

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

SHAUL SHIRHASHIRIM
ADC #140176

PLAINTIFF

v. No. 5:19-cv-11-DPM-JJV

JAMES GIBSON, Warden, Varner
Unit; and WALTER WASHINGTON,
Lieutenant, Varner Unit

DEFENDANTS

ORDER

1. On *de novo* review, the Court partly adopts and partly declines without prejudice the recommendation, *No* 26. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). The Court adopts the recommendation as to any due process claim against Defendant Gibson. As to the claim against Defendant Washington, though, the Court would appreciate further development. In a belated response to the motion for summary judgment, Shirhashirim argues that he submitted a timely appeal on grievance VSM18-2682 but that the ADC truck mail did not deliver it promptly. *No* 27; *cf. Lewis v. Carswell*, *No* 69 & *No* 84 in E.D. Ark. *No* 5:15-cv-254-DPM. In light of this new wrinkle, the Court returns that piece of the case to the Magistrate Judge for further proceedings and a new recommendation in due course.

2. Motion for status update, *No* 28, denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 July 2019